

**Notice of Allowability**

Application No.

09/038,230

Examiner

Daniel S. Metzmaier

Applicant(s)

KOYANAGI ET AL.

Art Unit

1712

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 10/17/2006 & the interview of 11/3/2006.
2. ☒ The allowed claim(s) is/are 6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application   |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>11/3/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|  | 9. <input type="checkbox"/> Other _____   |

**EXAMINER'S AMENDMENT**

Claim 6 is allowed.

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Julie W. Meder on November 3, 2006.

The application has been amended as follows:

Replace all previous claim lists with the following, which begins on page 3.

*Begin claim amendments*

Claims 1-5 (cancelled).

Claim 6 (previously presented): An inorganic compound sol comprising a dispersion medium having a dielectric constant of from 10 to 85 and, dispersed therein, inorganic compound particulates having average particle size from about 11 to 30 nm whose surface has been modified by an organic compound which is selected from the class consisting of vinylsilane compounds, acrylsilane compounds, epoxysilane compounds, aminosilane compounds,  $\gamma$ -mercaptopropyltrimethoxysilane and  $\gamma$ -chloropropyltrimethoxysilane, exhibiting a molecular polarizability of from  $2 \times 10^{-40}$  to  $850 \times 10^{-40} \text{ C}^2\text{m}^2\text{J}^{-1}$ ,

wherein the inorganic compound particulates are composite oxide particulates composed of silica and at least one inorganic oxide other than silica, with the weight ratio of silica to at least one inorganic oxide other than silica being 3 to 500, wherein the silica containing composite oxides are produced by simultaneously adding an alkali metal silicate and an alkali soluble inorganic oxide to an alkali aqueous solution, and wherein the inorganic compound sol is stable in the presence of species selected from the group consisting of ionic components, salts and surfactants,

wherein the at least one inorganic oxide other than silica is selected from  $\text{Al}_2\text{O}_3$ ,  $\text{ZrO}_2$ ,  $\text{TiO}_2$ ,  $\text{SnO}_2$ ,  $\text{In}_2\text{O}_3$ ,  $\text{Sb}_2\text{O}_5$  and  $\text{WO}_3$ .

*End claim amendments*

***Reasons for allowance***

2. The following is an examiner's statement of reasons for allowance: claim 5 is canceled as redundant and not further limiting since the presence of ionic components would have been present in the materials of claim 6, said ionic components have not been removed from the claimed compositions, and are characterized as stable (see page 1, lines 11-15, of the instant specification).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

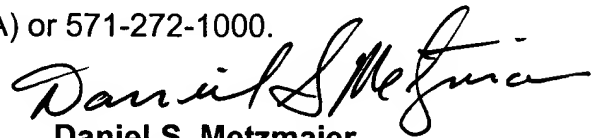
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (571) 272-1089. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1712

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Daniel S. Metzmaier**  
**Primary Examiner**  
**Art Unit 1712**

DSM